

IN THE DRAWINGS

Figures 3 and 5 have been amended, in red ink, and are attached to this amendment for the Examiner's approval. In particular, applicant has added reference numerals to the corresponding Figures to describe existing portions of the helmet and pad set of the invention. No new matter has bee introduced by the amendment.

REMARKS

The Office Action mailed October 26, 2004 has been reviewed and carefully considered.

Claims 1 and 10 have been amended. Claims 1-27 are pending in this application.

Initially, applicant gratefully acknowledges the Examiner's indication of allowable subject matter. In particular, claims 21-26 have been allowed.

Applicant submits herewith some specification corrections in response to the Examiner's objection to the same. In addition, some amendments to Figures 3 and 5 in support of the specification amendments have also been made, in red ink, for the Examiner's review. Applicant submits replacement sheets of drawings with the proposed changes as an appendix to this response. No new matter has been added by these amendments. Accordingly, reconsideration of the rejection is respectfully requested.

Claims 1-7, 10 and 12-16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Marietta et al. (hereinafter "Marietta"). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Marietta in view of Sperber. Claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Marietta in view of Barson et al. (hereinafter "Barson"). Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Marietta in view of Morgan. Claims 17, 19, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Marietta in view of Handler. Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Marietta in view of Handler as applied to Claim 17, and further in view of Barson.

Amended claim 1, clearly recites the positioning of at least two for the individual pads in the crown section so as to surround and not overlap an audio headset headband positioned within the helmet and extending ear to ear. Applicant respectfully asserts that neither Marietta nor Barson et al, either taken singly or in any combination with the other cited references, fails to teach or suggest this aspect of applicant's claimed invention. In particular, both Marietta and Barson et al do not contemplate an audio headset headband within the helmet and therefore teach away from the claimed invention by showing pad sets that clearly cannot accommodate a headband of any type. By way of example, the pads 6 and 7 of Marietta run transverse to the "ear to ear" headband of applicant's claimed invention. Furthermore, the pads 5 of Marietta are positioned around the ear holes and would clearly interfere with a headset headband. There are no ear holes in applicant's military helmets and thus, the teachings by Marietta fail to disclose or even suggest this feature of applicant's claimed invention.

The crown pad 30 of Barson et al. extends from the nape portion of the helmet to the brow portion of the same, thus clearly teaching that the pad is a singular pad with no accommodation for a headband of any kind.

In view of the foregoing, withdrawal of the rejection is requested. Claim 1, as amended, places the application in condition for allowance and early allowance on the merits is respectfully requested.

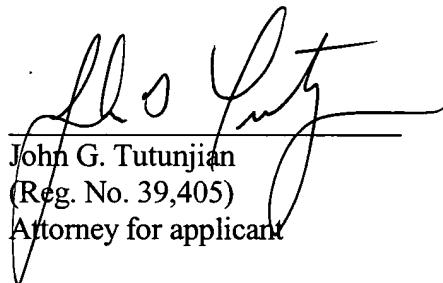
Claims 2-20 and 27 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, contain all the limitations of Claim 1. Accordingly, Claims 2-20 are patentably distinct and non-obvious over the cited references for at least

the reasons set forth above with respect to Claim 1. Thus, reconsideration of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully requests that the rejection of the claims set forth in the Office Action of October 26, 2004 be withdrawn, that pending claims 1-27 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's Deposit Account No. 50-1433.

Respectfully submitted,
KEUSEY, TUTUNJIAN & BITETTO, P.C.

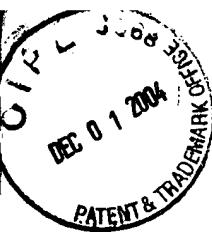


John G. Tutunjian
(Reg. No. 39,405)
Attorney for applicant

Dated: November 29, 2004

Mailing Address:

KEUSEY, TUTUNJIAN & BITETTO, P.C.
14 Vanderventer Avenue, Suite 128
Port Washington, NY 11050



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

HELMET

Inventor's Name: Richard J. Long

Appl'n No: 10/614,995

Attorney Docket: 101-71

2 of 4

ANNOTATED
MARKED UP DRAWINGS

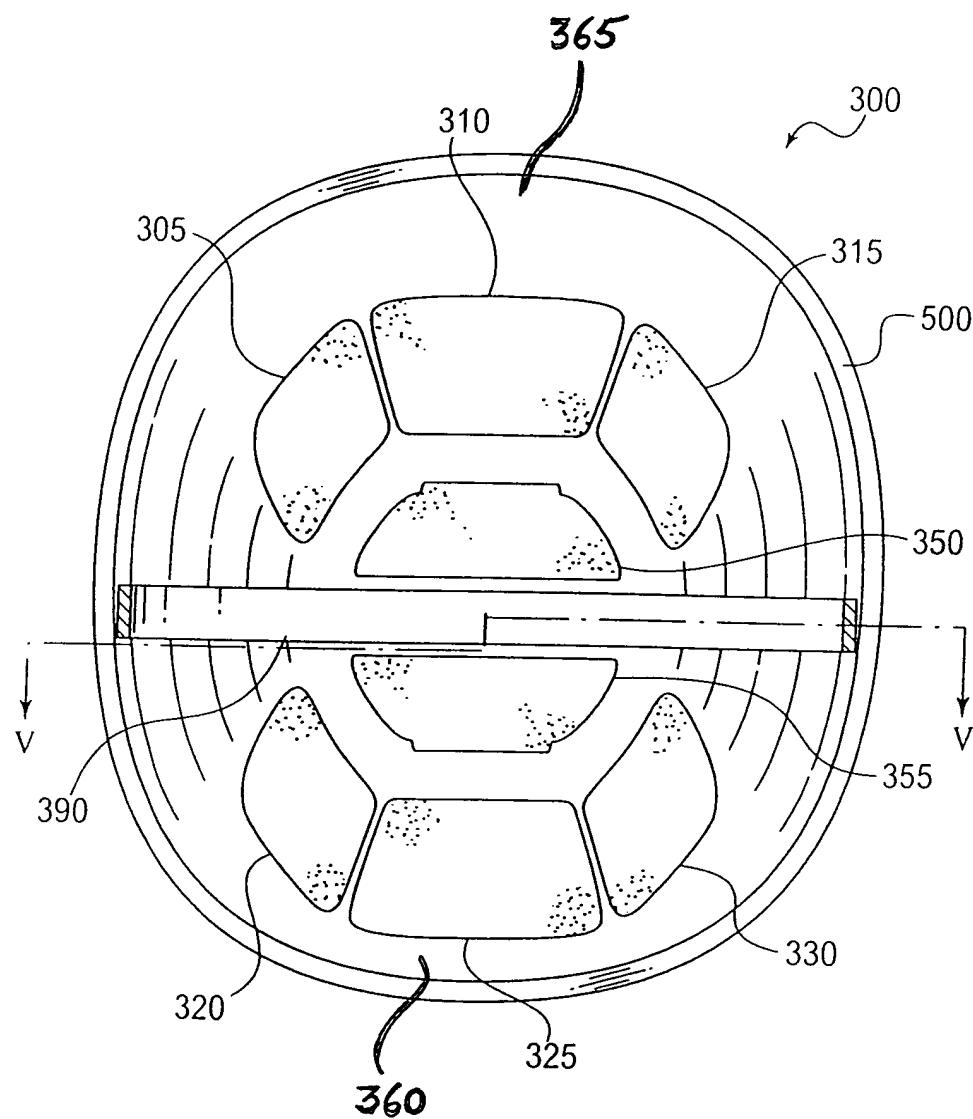
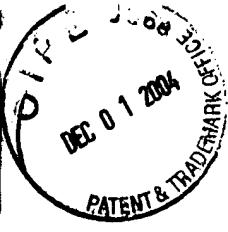


FIG. 3



ANNOTATED
MARKED UP
DRAWINGS

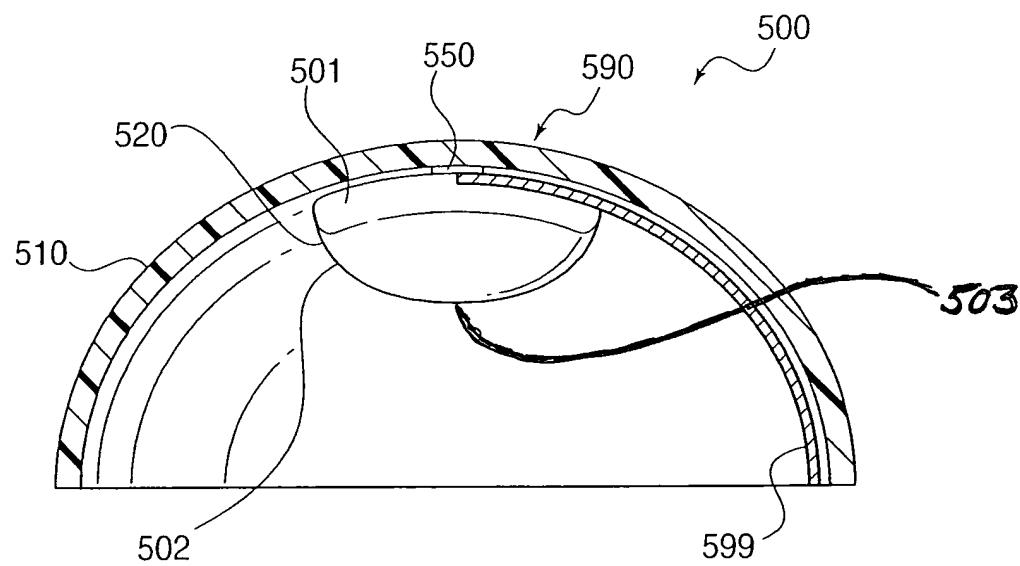


FIG. 5